

STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY

State of Wisconsin

-vs-

**Order on Petition for  
Determination of Eligibility for  
The Earned Release Program  
§302.05(3)**

\_\_\_\_\_, Defendant  
Name

Case No. \_\_\_\_\_

Date of Birth \_\_\_\_\_

A petition for determination of eligibility for the Earned Release Program has been filed.

**THE COURT FINDS:**All of the following criteria for eligibility ☐ have ☐ have not been satisfied.

1. The defendant is presently serving the confinement portion of a bifurcated sentence.
2. The defendant was not convicted of a crime specified in chapter 940 or §§948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08 or 948.095, Wisconsin Statutes.
3. The sentencing court did not determine if the defendant is eligible or ineligible to participate in the Earned Release Program.
4. The Department of Corrections has approved the filing of the petition.
5. The district attorney was served with a copy of the petition.

**THE COURT ORDERS:**

- ☐
1. The petition is granted because all of the criteria for eligibility have been satisfied and

- ☐ The gravity of the crime is not inconsistent with participation.
- ☐ The defendant's character suggests the defendant can be successful in the program.
- ☐ The community's interest in rehabilitation is served by allowing participation.
- ☐ Other: \_\_\_\_\_

The defendant is eligible to participate in the Earned Release Program

- ☐
- as of the date of this order.

**OR**

- ☐
- after serving \_\_\_\_\_ years, \_\_\_\_\_ months, \_\_\_\_\_ days, of the confinement portion of this bifurcated sentence.

If the defendant is approved for placement in the Earned Release Program and successfully completes the Earned Release Program, the Department of Corrections shall inform the court that the defendant has successfully completed the treatment program. Upon being informed that the defendant has successfully completed the treatment program, the court shall reduce the term of confinement in prison portion of the defendant's bifurcated sentence in a manner that provides for the release of the defendant to extended supervision within 30 days of the date on which the court receives the information from the Department of Corrections. The court shall lengthen the term of extended supervision imposed so that the total length of the bifurcated sentence originally imposed does not change.

- ☐
2. The petition is denied. The defendant is not eligible for the Earned Release Program because:

- ☐ The defendant has not satisfied the following criteria for eligibility: [Specify criteria number(s)]: \_\_\_\_\_
- ☐ The court already made this determination at sentencing and declines to change it.
- ☐ The seriousness of the crime requires continued confinement.
- ☐ The defendant's character suggests the defendant would not be successful in this program.
- ☐ The defendant needs to be confined to protect the community.
- ☐ Other: \_\_\_\_\_

**BY THE COURT:**

## Distribution:

1. Court – Original
2. Defendant
3. Defendant's attorney
4. District Attorney
5. Department of Corrections
6. Victim(s)

\_\_\_\_\_  
Circuit Court Judge\_\_\_\_\_  
Name Printed or Typed\_\_\_\_\_  
Date